

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

LAKEWOOD WATER DISTRICT,

Plaintiff,

v.

THE UNITED STATES OF AMERICA; 3M  
COMPANY (f/k/a Minnesota Mining  
Manufacturing, Co.); THE DEPARTMENT  
OF THE AIR FORCE; TYCO FIRE  
PRODUCTS LP (successor-in-interest to the  
Ansul Company); ANGUS  
INTERNATIONAL SAFETY GROUP, LTD.;  
BUCKEYE FIRE EQUIPMENT COMPANY;  
CHEMGUARD, INC.; THE CHEMOURS  
COMPANY; CHUBB FIRE, LTD.; E.I. DU  
PONT DE NEMOURS AND COMPANY;  
KIDDE-FENWAL, INC.; KIDDE PLC, INC.;  
NATIONAL FOAM, INC. (successor-in-  
interest to Angus Fire Armour Corp.);  
RAYTHEON TECHNOLOGIES  
CORPORATION (f/k/a United Technologies  
Corporation); and UTC FIRE & SECURITY  
AMERICAS CORPORATION, INC.,

Defendants.

Case No.: 3:20-cv-05691

**NOTICE OF PENDENCY OF OTHER  
ACTIONS IN ANOTHER  
JURISDICTION OR FORUM**

Per LCR 3(h) and 102(b), Plaintiff Lakewood Water District (the “District”) notifies the Court that this action, filed today, involves a material part of the same subject matter and all or

substantially the same parties as another action pending in federal court: *In re: Aqueous Film-Forming Foams Products Liability Litigation MDL*, No. 2:18-mn-02873 (D.S.C.) (the “MDL”).

The MDL includes more than 700 lawsuits filed by cities, counties, states, agencies, tribes, municipal water providers, and individuals against the United States, the Department of the Air Force, the Department of the Army, the Department of Defense, and the manufacturers of Aqueous Film-Forming Foam (“AFFF”)—a substance containing per- or polyfluoroalkyl substances (“PFAS”). Judge Richard M. Gergel is presiding over the MDL. Several MDL plaintiffs allege that PFAS from AFFF has contaminated soil and groundwater near military bases, airports, residences, and other sites where AFFF was used to extinguish liquid fuel fires, causing harm to human health and the environment, as well as property damage and other losses.

The District’s Complaint raises legal and factual issues that are materially similar to the claims asserted and issues raised in the MDL. As indicated by Judge Gergel’s Case Management Order (“CMO”) No. 1 (D.S.C. 18-02873, Dkt. #12 at p. 1), the MDL was created to include “all related cases (i.e., civil actions where plaintiff(s) allege injuries or damages caused by groundwater contaminated with chemicals found in aqueous film-forming foams products) originally filed in [the MDL court] or transferred or removed to [the MDL court], including related cases filed in, removed to, or transferred to [the MDL court].”

The MDL is “intended to conserve judicial resources, eliminate duplicative services by all counsel and co-counsel, eliminate duplicative discovery, serve the convenience of the parties and witnesses, and promote the just and efficient conduct of this litigation.” CMO No. 3 (D.S.C. 18-02873, Dkt. #72 at p. 1).

Because of the similarity in legal and factual issues in this action and those pending in the MDL, coordination of these cases will avoid conflicts, conserve resources, and promote an

efficient determination of the issues. The District therefore believes that transfer should be effected pursuant to 28 U.S.C. § 1407. Absent contrary direction from the Court, the District will also file a notice of tag-along action with the Judicial Panel on Multidistrict Litigation to trigger transfer of this case to the MDL.

Respectfully submitted July 16, 2020.

MARTEN LAW, LLP

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